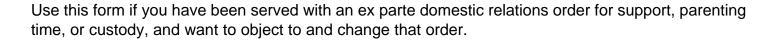
Objection to Ex Parte Order and Motion to Rescind or Modify



(Form FOC 61)

Original - Court 2nd copy - Defendant 1st copy - Plaintiff 3rd copy - Friend of the Court

STATE OF MICHIGAN JUDICIAL CIRCUIT

OBJECTION TO EX PARTE ORDER AND

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	COUNTY	MOTION TO RESCIND OR MODIFY	′
Court add	ress		Court telephone no.
	Plaintiff's name, address, and telep	phone no.	
	v		
	Defendant's name, address, and to	elephone no.	
I, Name of	f party filing motion	, state:	
1. I hav	ve been served with an ex par	te order in this case dated	·
2. I obje	ect to the custody	parenting time support	provisions of that order because:
lf the	dianuta cannot ha racalyad hy	, the Friend of the Court Trequest a bearing	be held to rescind or modify the ex parte order.
		_	
I declare	that the statements above are	e true to the best of my information, knowle	dge, and belief.
Date		Signature of party fill	ing motion
		CERTIFICATE OF MAILING	
l certify t	hat on this date I mailed a cor		attorney, if any, at the address stated above.
i continy t	on the date i maned a cop	, or and modern to the other party and then	and moy, it amy, at the address stated above.
-			
Date		Signature	

Signature

MCL 722.27a(9),(10); MSA 25.312(7a)(9),(10)

OBJECTION/MOTION CHECKLIST

Use the following checklist to make sure you have done all the steps that are needed.

DID YOU . . .

1.	Fill out all requested information on the form?	YES
2.	Make all necessary copies?	YES 🗌
3.	Pay the objection/motion fee to the clerk?	YES 🗌
4.	Mail (serve) a copy of the objection/motion on the other party and on any other custodian/guardian?	YES 🗌
5.	Return to the clerk's office after you mailed the objection/motion to the other party and completed the certificate of mailing?	YES 🗌
6.	Keep one copy of the objection/motion form for yourself?	YES 🗌
7.	Give 2 copies of the completed form to the clerk of the court?	YES 🗌

If you cannot answer "yes" to all of the above steps, a hearing on your objection/motion may be delayed or your objection/motion may be dismissed.

By using this form packet you are representing yourself in a court action regarding an objection to an ex parte order for support, parenting time, or custody. In order to receive the action you seek, you must follow the instructions in this packet. If you fail to do even one of the required steps, the order you get from the court may not give you what you want.

If you have any questions about any steps in the process, refer to pages 3 and 4 for details.

INSTRUCTIONS FOR USING FORM FOC 61 FILING AN OBJECTION TO EX PARTE ORDER AND MOTION TO RESCIND OR MODIFY

»» FILING A MOTION

1. Fill out the Objection/Motion form.

Use the instructions on the form. Be careful not to make mistakes.

Make at least 6 copies of the form and any attachments after you have filled it out.

2. File the Objection/Motion form with the county clerk.

Take the 6 copies of the form to the county clerk in the county where your case is located.

You must pay a \$20.00 motion fee. If you can't afford to pay the motion fee, ask the county clerk for an Affidavit and Order, Suspension of Fees/Costs (Form MC 20 not included in this packet) to fill out.

The county clerk will write the name of the judge assigned to your case on your form. The clerk will keep the original and 1 copy of the objection/motion and any attachments for the court file and the friend of the court. Then the clerk will return 4 copies and any remaining attachments to you. Do not lose them.

What you should have when you leave the clerk's office:

- 1 Copy of FOC 61 (with any attachments) for you
- 1 Copy of FOC 61 (with any attachments) for other party
- 1 Copy of FOC 61 for proof of service to the court
- 1 Copy of FOC 61 for proof of service to the friend of the court

»» SERVING THE OBJECTION/MOTION ON THE OTHER PARTY OR PARTIES

1. Serve the Objection/Motion on the other party.

The other parent, or other party (if there is a custodian or guardian other than a parent) must be served with (notified of) the objection/motion.

NOTE: Serve the papers by mailing them to the other party by regular, first class mail.

What you need for service:

- 1 Copy of FOC 61 (with any attachments) for the other party
- 2 Copies of FOC 61 for proof of service

Any additional copies of FOC 61 (with any attachments) - for another custodian or guardian if there is someone other than the other parent who has care or custody of the child(ren).

Mail 1 copy with attachments to the other party. If there is a custodian or guardian, mail 1 copy and the attachments to them. Then fill out the Certificate of Mailing on the front of the remaining 3 copies. Keep 1 copy for your own records.

2. Return to the county clerk.

Once you have mailed the objection/motion and filled out the certificate of mailing on the remaining 3 copies, return to the county clerk's office with 2 copies. Remember to keep 1 copy for your own records. The county clerk will deliver 1 copy to the friend of the court.

3. Response from other party.

If you receive a response to your objection/motion from the other party, make sure you read it before you attend any hearing. Think about what you want to say on your behalf.